

# **Town Board Minutes**

**Meeting  
No. 10**

**Regular Meeting**

**April 4, 2005**

# Town Board Minutes

April 4, 2005

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 4th day of April 2005 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPNIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** MARK MONTOUR, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF

## EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO,  
SECONDED BY COUNCIL MEMBER STEMPNIAK to deliberate in Executive Session for  
the announced purpose of discussing a particular Police personnel matter which resulted as  
follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:18 P.M., the Town Board reconvened with all members present.  
The Town Clerk reported that no official actions were taken by the Town Board in Executive  
Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Orcutt, Chelsea**, Depew Middle School Student, read her Sertoma award winning essay on Freedom in America to Town Board and the audience.

**MacPeck, Robert**, Natural Disaster Service Coordinator, informed the Board that Emergency Management will hold sessions in preparedness for businesses in the community.

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questions regarding the Special Use Permit for 4429 Walden Avenue.
- Questions about payment to LVAC pursuant to agreement with the Town.
- Inquired if the audited books of LVAC are available for Town's review.
- Questions about the County's payment of sales tax to municipalities.

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- In favor of Town's proposal to rezone proposed Pleasant Meadows Subdivision with the restriction on number of homes and density.
- Opposed to the proposed spine road within Pleasant Meadows Subdivision.
- Expressed concerns about wetlands within the Subdivision.
- Questions about water pressure issue at Lancaster High School and proposed Pleasant Meadows Subdivision..

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the  
Town Board held March 21, 2005 and the Regular Meeting of the Town Board held March 21,  
2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the regularly scheduled Town Board meeting of  
Monday, May 16, 2005 be and is hereby canceled and is rescheduled to Monday, May 23, 2005  
at 8:00 P.M. at the Town Hall, 21 Central Avenue, Lancaster, New York, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby directed to notify the  
Buffalo News and the Lancaster Bee of this change in meeting dates.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: Rmeeting date change

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter  
dated March 18, 2005, has requested the addition of an additional member to the membership  
roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the addition to the membership of the Twin District Volunteer Fire Company the following  
individual:

**ADDITION:**

Kelly Flowers  
5260 William Street  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 24 of the Code of the Town of Lancaster, upon the application of **JOHN ARCADI**, Vice President of **4429 WALDEN AVENUE**, for a Special Use Permit for auto and truck repair services on premises located at 4429 Walden Avenue in the Town of Lancaster, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 24, entitled "Light Industrial District" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **John Arcadi**, Vice President of **4429 Walden Avenue**, located at 4429 Walden Avenue in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: rspecialusepermitarcadijohn.105a

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of **JOSEPH M. BRAINARD**, owner of **STAR COLLISION**, for a Special Use Permit for a Collision Shop on premises located at 5454 Genesee Street in the Town of Lancaster, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Joseph M. Brainard**, owner of **STAR COLLISION**, located at 5454 Genesee Street in the Town of Lancaster upon the following conditions:

- No junk or dismantled vehicles be stored on the exterior of the collision shop.
- No vehicles shall be made for sale, resulting from work at the shop.
- Structure shall be brought to code compliance as per annual fire inspection.
- All applicable State and Local Codes be followed regarding structure, zoning and property maintenance.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: rspecialusestarcollision205a



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Judges in the Town Court have brought to the attention of the Town Board the fact that parking tickets issued under the Town Vehicle and Traffic Code do not provide for a specific schedule of penalties for late payment, and

**WHEREAS**, the Town Judges have requested that the Board adopt a payment schedule for parking ticket fines;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the fine schedule for parking tickets issued under the Town Vehicle and Traffic Code as follows:

- a fine of \$10 if paid within ten days
- a fine of \$20 if paid after ten days
- a fine of \$35 if paid after twenty days
- a fine of \$50 if paid after thirty days
- in addition a warrant may be issued if there is a failure to pay after thirty days from the date of issuance of the parking ticket under the Town Code.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: rpenaltyscheduleonparkingtickets405

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Buckle Up New York Program (BUNY) to improve enforcement of seat belt use, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting motorists who fail to use seat belts.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Selective Traffic Enforcement Program (STEP) to reduce unsafe driving behaviors within the Town, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving.

**NOW, THEREFORE BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster is the recipient of a grant from the Eric County Consortium for Community Development Block Grant Funds for a project involving renovation of the men's and ladies' restrooms in the basement of the Town Hall, 21 Central Avenue, and

**WHEREAS**, the Town Board has reviewed this matter with the consulting engineer and determined that this project is now ready to invite public bid;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1) That bids will be received by the Town Clerk or her designee on April 28, 2005 at 10:00 a.m., Local Time, for the renovation of the mens and ladies restrooms in the basement of the Town Hall at 21 Central Avenue, in accordance with specifications on file in the Town Clerk's office,

2) That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee on April 7, 2005 and in The Challenger, 108 Sycamore, Buffalo, New York on April 13, 2005, and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: restroomrenovation405

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that pursuant to a resolution of the Town Board of the Town of Lancaster, Erie County, New York, sealed proposals will be received, publicly opened, and read aloud by the Town Clerk or her designated representative of the Town of Lancaster on the 28<sup>th</sup> day of April, 2005, at 10:00 A.M. Local Time, in the Town Hall, 21 Central Avenue, Lancaster, New York, for the renovation of rest rooms at the Town Hall, 21 Central Avenue.

"This contract will be funded wholly or partially with federal funds, and as such, is subject to all federal rules and regulations pertinent thereto, including, but not limited to, federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services."

All proposals will be received in accordance with the Contract Documents and specifications prepared by the Town of Lancaster. A copy of such plans and specifications is on file with the Town Clerk, at her office in the Town Hall, Town of Lancaster, 21 Central Avenue, Lancaster, New York, where the same may be examined during regular business hours.

Copies of contract documents required for review or bidding purposes may be obtained at the offices of the Town Engineer in the Highway Department building located at 525 Pavement Road, Lancaster, New York and/or Erdman Anthony and Associates Inc., 8608 Main Street, Williamsville, New York.

Each proposal must be accompanied by a Certified Check, payable to Supervisor, Town of Lancaster, or bid bond having as surety thereon a surety company acceptable to the Town Attorney, in the amount not less than five percent (5%) of the amount of the base bid, conditioned that, if his proposal is accepted, he will enter into a contract for this project, and that he will execute any such further security as may be required for the faithful performance of the contract.

All bids shall be submitted to the Town Clerk's Office in sealed envelopes addressed to the Town of Lancaster and shall be plainly marked on the outside with the Contractor's name and the title of his bid.

The Town of Lancaster reserves the right to waive any informalities in any bid received and further reserves the right to reject any or all bids submitted.

A Non-Collusive Bidding Certificate must accompany all bids.

No bidder may withdraw his bid within thirty (30) days after date of opening, but may withdraw same at any time prior to the scheduled time for the opening of bids.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: JOHANNA M. COLEMAN  
Town Clerk

April 4, 2005

THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Clerk of the Town of Lancaster, by memorandum dated April 1, 2005, has recommended the appointment of Janice Korzeniewski, 7 Tanglewood Drive, Lancaster, New York 14086 to the position of Clerk, permanent, part time in the Town Clerk's Office.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

**SECTION 1:** That Janice Korzeniewski, 7 Tanglewood Drive, Lancaster, New York 14086, be and is hereby appointed to the position of Clerk, part time, permanent, in the Office of the Town Clerk, working not more than nineteen and one-half (19 ½ ) hours per week.

**SECTION 2:** That Janice Korzeniewski be compensated on an hourly step rate (starting at 90% of full, or \$11.21 per hour) as follows:

Hourly wage, on step:	Full rate:	= \$12.46
90% until cumulative hours worked = 910		= \$11.21
95% until cumulative hours worked = 911 to 1820		= \$11.83
100% cumulative hours worked exceed 1820		= \$12.46

**SECTION 3:** That this appointment be effective April 14, 2005.

**SECTION 4:** That this appointment, being a temporary, seasonal position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: Rperste.p.t

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2005, entitled "FIRE AND BUILDING INSPECTION FEES", which will amend the Code of the Town of Lancaster, by repealing in its entirety, Section 20-5 (C) (1) of Chapter 20 "Fire Prevention and Building Code" and replacing it with a new Section 20-5 (C) (1) of Chapter 20, which reads as follows:

**CHAPTER 20**  
**FIRE PREVENTION AND BUILDING CODE**

**Section 20-5., C. Fees.**

**Proposed  
LOCAL LAW  
2005**

**A LOCAL LAW ENTITLED "FIRE AND BUILDING INSPECTION FEES." TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY REPEALING IN ITS ENTIRETY SECTION 20-5 (C) (1) OF CHAPTER 20 "FIRE PREVENTION AND BUILDING CODE" AND REPLACING IT WITH A NEW SECTION 20-5 (C) (1) OF THE CODE OF THE TOWN OF LANCASTER.  
BE IT ENACTED,** by the Town Board of the Town of Lancaster, as follows:

**Section 1.**

The Code of the Town of Lancaster is hereby amended by repealing Section 20-5 (C) (1) of Chapter 20, "Fire Prevention and Building Code", and enacting in place thereof by a Local Law of the Year 2005 the following:

**§20.5 (C)**      **(1) Fees.** The fee schedule shall hereinafter be applied to the inspection of each separate business, commercial or industrial use within a structure or building. These fees are due and payable upon the completion of the annual inspection and shall include one re-inspection if necessary.

<b><u>SQUARE FOOTAGE</u></b>	<b><u>FEE</u></b>
Up to 1,000	\$25
1,001 to 10,000	\$50
10,001 to 20,000	\$75
20,001 to 30,000	\$100
30,001 to 40,000	\$200
40,001 to 50,000	\$300
Over 50,000	\$400

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2005, which local law repeals in its entirety Section 20-5 (C) (1) entitled "Fees." of Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster, and enacts in place thereof a new Section 20-5 (C) (1) of the said Code will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 'clock P.M., Local Time, on the 18th day of April, 2005, and that Notice of the Time and Place of such Hearing shall be published on April 7, 2005, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and



2. That the Town Clerk is hereby directed to make copies of the proposed Local Law for the Year 2005, entitled: "FIRE AND BUILDING INSPECTION FEES. ", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: rlocalawfireinspectionfees405

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 4, 2005, the said Town Board will hold a Public Hearing on the 18th day of April, 2005, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, which Local Law repeals in its entirety, Section 20-5 (C) (1) entitled "Fees" of Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster and enacts in place thereof a new Section 20-5 (C) (1) of Chapter 20, "Fire Prevention and Building Code" of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH REPEALS SECTION 20-5 (C) (1), OF  
CHAPTER 20 OF THE CODE OF THE TOWN OF LANCASTER, AND  
ENACTS IN PLACE THEREOF A NEW SECTION 20-5 (C) (1),  
ENTITLED " FEES."**

**"THIS LOCAL LAW WILL PROVIDE FOR A CHANGE IN THE FEES  
CHARGED BY THE TOWN FOR THE FIRE INSPECTION OF  
COMMERCIAL OR INDUSTRIAL BUILDING USES."**

A complete copy of this proposed Local Law of the Year 2005, entitled: "Fire and Building Inspection Fees." and further designated as Chapter 20-5 (C) (1) of Chapter 20, of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

April 4, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Pleasant Meadows LLC (the "Applicant") with offices at 2730 Transit Road, West Seneca, New York 14224 has petitioned the Town Board of the Town of Lancaster (the "Town") with an application dated April 11, 2000 to amend the Zoning District Map and Zoning Ordinance of the Town to rezone approximately 271 acres of land located at the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road, Town of Lancaster, County of Erie, State of New York which hereinafter shall be referred to as the "Property", and

**WHEREAS**, such application to amend the Town's Zoning District Map and Zoning Ordinance is to cause a change in zoning classifications on the property as follows:

(1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings.

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings.

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings.

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

**WHEREAS**, such application to amend the Town's Zoning District Map and Zoning Ordinance shall hereinafter be referred to as the "Action", and

**WHEREAS**, such application has been referred to the Planning Board of the Town for its review, recommendation and report and in accordance with applicable provisions of the Town Law of the State of New York, and

**WHEREAS**, the Town's Municipal Review Committee, has reviewed the Action pursuant to the requirements of the State Environmental Quality Review Act and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617 *et seq.* (collectively referred to as "SEQRA"), and

**WHEREAS**, the Municipal Review Committee issued a Positive Declaration for the Action on December 4, 2000, and

**WHEREAS**, the Town required the project sponsor to cause the preparation of a Draft Environmental Impact Statement ("DEIS") which was accepted by the Municipal Review Committee and Town Board as complete on October 21, 2002, and

**WHEREAS**, the lead agency held a public hearing on the DEIS on January 14, 2003 and a public hearing on the rezone on March 17, 2003 which afforded the public the opportunity to be heard on the Action, and

**WHEREAS**, the Town's Municipal Review Committee required the project sponsor to submit a SDEIS which was accepted as complete and in accordance with SEQRA on August 2, 2004, and a public comment period was held open to September 10, 2004, and

**WHEREAS**, after a full and thorough review of the SDEIS, comments submitted at the above-referenced public hearings and other written comments submitted to the Town Clerk, the Town's Municipal Review Committee determined that the Action required a Final Environmental Impact Statement ("FEIS"), and

**WHEREAS**, the FEIS was submitted to the Town and after due consideration was accepted for public review at the meeting of the Town's Municipal Review Committee held on November 1, 2004; and

**WHEREAS**, upon full consideration of the FEIS, the Municipal Review Committee and Town Board issued and adopted its Findings Statement January 18, 2005 with respect to the Action and pursuant to SEQRA; and

**WHEREAS**, notice was given as to such public hearings and published in the Lancaster Bee, a newspaper of general circulation in the Town and also posted on the Town bulletin board and that notice of the Action and of such hearing has been referred to the Erie County Department of Environment and Planning pursuant to § 239 (m) of the General Municipal Law, and

**WHEREAS**, the Town's Municipal Review Committee and the Town Board have undertaken a review of the application to rezone the Property in accordance with the ordinances of the Town and the New York State Environmental Quality Review Act, and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617 *et seq.* (collectively referred to as "SEQRA"), and

**WHEREAS**, after giving due consideration to the comments of the general public derived from the above-referenced public hearing and the comment period, the recommendations of the Town's Municipal Review Committee with respect to such petition to rezone the Property and upon a thorough review and consideration of the Supplemental Draft Environmental Impact Statement ("SDEIS"), the Final Environmental Impact Statement ("FEIS") and the Findings Statement issued in accordance with the SEQRA, and

**WHEREAS**, the developer has elected to withdraw its request for zoning change on the 39 +/- acres of land from R-1 to MFR-3 by letter dated February 7, 2005 and shall develop this area as permitted under the R-1 zoning.

**WHEREAS**, the Town Board is authorized and has jurisdiction with respect to all zoning matters within the boundaries of the Town of Lancaster.

**NOW, THEREFORE**, be it resolved as follows:

1. That the Town's Zoning Ordinance and Zoning Map with respect to the real property located at the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road, Town of Lancaster, County of Erie, State of New York shall be rezoned as follows:

1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings with the proviso that the MFR-4 zoning and development shall not exceed 355 total units and further that the improvements constructed and offered for sale shall be limited to owner/occupied units limited to townhouses, condominiums and patio homes, it being the intent of the Town Board in granting the zoning change to restrict development as beforementioned and not to include the construction and development of any form of rental units.

(2) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings.

(3) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

2. That as a condition of this zoning change the owner and/or developer will be required and has agreed to convey to the Town of Lancaster a 42 acre parcel of land located at the eastern-central boundary of the project site which contains approximately 39 acres of New York State regulated wetlands and will cause wetland mitigation along the Scajaquada Creek corridor as described in the SEQR findings made by the Town of Lancaster as lead agency.

3. That as an additional condition approximately 4 acres of land will be preserved as open space running from the beforementioned 42 acre wetland area conveyance to the Scajaquada Creek corridor wetland mitigation area by conveyance of a conservation easement from the owner/developer to the Town of Lancaster which shall be placed on record in the Office of the Erie County Clerk in a form satisfactory and acceptable to the Town Attorney.

4. That as a further condition the developer must comply with all findings and actions thereunder set out in the SEQR findings statement adopted by the Town as lead agency on January 18, 2005.

5. That the said ordinance amendment be added in the Minutes of the Town Board of the Town of Lancaster held on April 4, 2005.

6. That a certified copy thereof be published in the Lancaster Bee or another newspaper of general circulation and that affidavits of such publication be filed with the Town Clerk.

7. That the Town Clerk forward a certified copy of this resolution to the Erie County Department of Environment and Planning and further the Town Attorney and Town Clerk are hereby directed to take any and all other actions necessary to comply with applicable law with regard to the amendment of the Zoning Ordinance and Zoning District Map of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: rrezonepleasantmeadowssub405

**LEGAL NOTICE**  
**NOTICE OF ADOPTION OF AMENDMENT**  
**ZONING ORDINANCE, TOWN OF LANCASTER**  
**PLEASANT MEADOWS LLC**  
**NORTH SIDE OF WALDEN AVENUE**  
**SOUTH OF PLEASANTVIEW DRIVE BETWEEN**  
**CENTRAL AVENUE AND STONY ROAD**  
**TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property situate on the north side of Walden Avenue, south of Pleasantview Drive between Central Avenue and Stony Road, Town of Lancaster, Erie County, New York is changed to include the following:

- 1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings with the proviso that the MFR-4 zoning and development shall not exceed 355 total units and further that the improvements constructed and offered for sale shall be limited to owner/occupied units limited to townhouses, condominiums and patio homes, it being the intent of the Town Board in granting the zoning change to restrict development as beforementioned and not to include the construction and development of any form of rental units.
- (2) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings.
- (3) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

April 4, 2005

STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

This is to certify that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a Rezone - Pleasant Meadows LLC with the original thereof filed in my office at Lancaster, New York on the 4<sup>th</sup> day of April 2005, and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of this Town this 4<sup>th</sup> day of April 2005.

ss/ \_\_\_\_\_  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts as per abstract to be filed in the Office of the Town  
Clerk by the Director of Administration and Finance, to wit:

Claim No. 14492 to Claim No. 14632 Inclusive

Total amount hereby authorized to be paid: \$97, 650.78

The question of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: Reclaims



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

12569	Schafer Construction Inc	40 Albert Dr	Er. Res. Add.(V/L)
12570	Tuckers Homes Inc	24 Beatrix Cir	Er. Dwlg.-Sin.
12571	Cichocki, Jason	15 Heathrow Ct	Er. Deck
12572	Randaccio Builders Inc	9 Sussex Ln	Er. Dwlg.-Sin.
12573	Kishel, Paul	474 Lake Ave	Er. Res. Alt.
12574	MGR Construction Inc	5321 Genesee St	Er. Gazebo
12575	Capital Fence Co Inc	71 Michael Anthony	Er. Fence
12576	Marrano/Marc Equity	27 Ashwood Ct	Er. Dwlg.-Sin.
12577	Iroquois Fence Inc	8 Thomas Dr	Er. Fence
12578	Picket Fence	301 Enchanted Forest	Er. Fence
12579	American Fence	21 Briarwood Dr	Er. Fence (V/L)
12580	Prout, Dean	341 Westwood Rd	Er. Dwlg.-Sin.
12581	Bascaglia Decks	10 Parkedge Dr	Er. Deck
12582	Bullseye Construction	632 Aurora St	Er. Res. Add.
12583	Good Neighbor Fence	6421 Genesee St	Er. Fence
12584	Sun Enterprises Inc	15 Heathrow Ct	Er. Shed
12585	Kaczmariski, Jack	97 Schlemmer Rd	Er. Deck
12586	Marrano/Marc Equitiy	4 Avian Way	Er. Dwlg.-Sin.
12587	Ulbrich Sign Co	5363 Genesee St	Er. Sign-Wall
12588	Colley's Pool Sales Inc	35 Hill Valley Dr	Er. Pool-In Grnd
12589	Lovejoy Builders	35 Ann Marie Dr	Er. Dwlg.-Sin.

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 4, 2005

File: Rbldg2

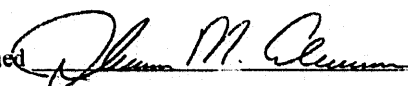
## COMMUNICATIONS & REPORTS:

151. Highway Superintendent to Town Board -  
Request resolution to award contract for chipper to Baschmann Services, Inc.  
DISPOSITION = Resolution 3/21/05
152. Twin District Fire Company to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 4/4/05
153. Keep Western New York Beautiful to Supervisor -  
Request for participation in the Great American Cleanup campaign starting  
March 9, 2005. DISPOSITION = Parks & Recreation Department
154. The Crisis Program to Town Board -  
Announcement of website regarding New York State transportation system.  
DISPOSITION = Received & Filed
155. Lancaster Volunteer Ambulance Corps, Inc. to Supervisor -  
Request for annual payment to LVAC as per agreement. DISPOSITION =  
Received & Filed
156. Adelphia to Supervisor -  
Notice of on-going maintenance on cable system beginning March 21,  
2005. DISPOSITION = Received & Filed
157. Eric County Comptroller to Supervisor -  
Notification of transition to quarterly payments of sales tax to town as  
opposed to current system of monthly payments. DISPOSITION =  
Received & Filed
158. Music Director, Lancaster Town Band to Supervisor -  
Request for use of town property and facilities at Youth Bureau for summer  
band concerts. DISPOSITION = Received & Filed
159. NYS DOT to Town Clerk -  
Notice of Designation of Restricted Highway of Transit Road from Clinton  
Street north to 1000 feet north of French Road. DISPOSITION = Town  
Attorney & Town Engineer
160. Town of Amherst Planning Department to Town Board -  
Notice of solicitation for lead agency status regarding amendments to the  
Zoning Ordinance for the Town of Amherst. DISPOSITION = Received &  
Filed
161. Eric County Department of Public Works to Town Board -  
Notice of new Bridge Closure Policy due to reduced staffing levels.  
DISPOSITION = Town Attorney, Town Engineer, Police Chief
162. NYS DEC to Town Board -  
Notice of Complete Application for an Air State Facility Permit for Buffalo  
Crushed Stone at the Wehrle/Barton quarry. DISPOSITION = Town  
Attorney
163. Depew-Lancaster Boys & Girls Club Inc to Town Board -  
Request permission to hold annual 10K Race on Monday, July 4, 2005.  
DISPOSITION = Police Chief
164. Town Clerk to Town Board -  
Request appointment of Janice Korzeniewski to Clerk, part time in Town  
Clerk's Office. DISPOSITION = Resolution 4/4/05

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY  
COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 10:18  
P.M.**

Signed

A handwritten signature in dark ink, appearing to read 'Johanna M. Coleman', written over a horizontal line.

Johanna M. Coleman, Town Clerk